

(c) NET REVENUE.—For purposes of subsection (a), the term “net revenue” means gross revenues reduced by the amount of any costs incurred in the collection of taxes on remote sales and related administrative costs.

**SA 795.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 743, to restore States’ sovereign rights to enforce State and local sales and use tax laws, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, between lines 20 and 21, insert the following:

(g) PREVENTING DISCRIMINATION IN COMPLIANCE FOR COMPLIANCE COSTS.—

(1) IN GENERAL.—In the case of a State that provides reimbursement (other than through a State tax deduction for ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business) for expenses related to collection and remittance of sales and use taxes to sellers that are located within the State, such State shall provide an equivalent rate and method of reimbursement to any remote seller for expenses related to the collection and remittance of sales and use taxes on remote sales sourced to that State.

(2) ADMINISTRATION.—The Secretary of the Treasury may issue such regulations or guidance as may be necessary for the administration of the requirements described in paragraph (1).

#### NOTICES OF HEARINGS

Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on May 15, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing “To Receive the Views and Priorities of Interior Secretary Jewell with Regard to Matters of Indian Affairs.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

Mr. WYDEN. Mr. President, I would like to advise you that the Senate Committee on Energy and Natural Resources will hold a business meeting on Wednesday, May 8, 2013 at 11:30 a.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending calendar business.

For further information, please contact Sam Fowler at (202) 224-7571 or Abigail Campbell at (202) 224-4905.

Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on May 8, 2013, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing to receive testimony on the following bills: S. 434, to authorize and implement the water rights compact among the Blackfeet Tribe of the Blackfeet Indian Reservation and the State of Montana, and for other purposes, and S. 611, to make a technical amendment to the T’u’f Shur Bien Preservation Trust Area Act, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 25, 2013, at 8:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 25, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate subcommittee hearing on April 25, 2013, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on April 25, 2013, at 9:30 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 25, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON EAST ASIA AND PACIFIC AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 25, 2013, at 2 p.m., to hold a East Asia and Pacific Affairs subcommittee hearing entitled, “Rebalance to Asia II: Security and Defense: Cooperation and Challenges.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. PAUL. Mr. President, I ask unanimous consent that Justin Hamilton, an intern in my office, and Steven Phan of the Sergeant at Arms’ office be allowed the privileges of the floor for today’s session and that Stephen Phan be allowed to stand next to me to interpret my remarks into American sign language.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent the Senate proceed to executive session to consider nominations 24, 25, 61, and 89.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the nominations be confirmed en bloc, the motion to reconsider be considered made and laid on the table, there be no intervening action or debate, and that no further motions be in order to any of the nominations, any statements be printed in the RECORD, and the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

##### DEPARTMENT OF THE TREASURY

Christopher J. Meade, of New York, to be General Counsel for the Department of the Treasury.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

William B. Schultz, of the District of Columbia, to be General Counsel of the Department of Health and Human Services.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Jenny R. Yang, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2017.

##### IN THE DEPARTMENT OF JUSTICE

Karol Virginia Mason, of Georgia, to be an Assistant Attorney General.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that at a time to be determined by me, in consultation with Senator McCONNELL, the Senate proceed to executive session to consider Calendar No. 42; there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD, and that the President be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

# REDUCING FLIGHT DELAYS ACT OF 2013

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. 853, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 853) to provide the Secretary of Transportation with the flexibility to transfer certain funds to prevent reduced operations and staffing of the Federal Aviation Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Before we hear from my friend from Maine, I appreciate very much her tenacity, her diligence, and that of Senator ROCKEFELLER and others. This is something that has been difficult, but I think it is the right thing to do. Hopefully when we get back, we can have something broader in scope than just this.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I am delighted that the Senate will pass a bipartisan bill to resolve a serious problem confronting the American traveling public and our economy. I thank the majority leader, Senator REID, the minority leader, the Republican leader, Senator MCCONNELL, and all the staff who have worked so hard to make this happen.

I am very pleased to be joined in sponsoring this bill by many of our colleagues, including Senator ROCKEFELLER, Senator THUNE, Senator MARK UDALL, Senator RISCH, Senator ROBERTS, Senator ISAKSON, Senator MCCASKILL, Senator HAGAN, the Presiding Officer, Senator TOOMEY, Senator CHAMBLISS, Senator MURKOWSKI, Senator WARNER, Senator BEGICH, Senator NELSON, and Senator HELLER.

As the ranking member of the Appropriations Subcommittee, I have been very concerned about the serious delays that have been caused by the FAA furloughs of air traffic controllers. In fact, Secretary of Transportation LaHood and FAA Administrator Huerta met with me this morning to discuss this problem and our proposed solution.

The Collins-Rockefeller-Thune-Udall bill would restore the funding for these essential air traffic controller positions, and that should prevent the onerous delays that were occurring and were only going to get worse as the traveling season reached its peak this summer. That would have had a ripple effect throughout the hospitality industry in particular and caused job losses that we can ill afford.

I just wish to point out that there literally have been thousands of flights delayed since the furloughs went into effect, and I am so happy we were able to work together across the aisle in a bipartisan way to resolve this problem.

The FAA recently began furloughing 47,000 employees this past Sunday, which includes nearly 15,000 air traffic

controllers. This is essentially 10 percent of its workforce, which equates to one furlough day per bi-weekly pay period, for a maximum of 11 days through September 30th.

The challenges the FAA faces this fiscal year are daunting; not only is the agency operating under a continuing resolution but sequestration compounds the problem. It is important that sequestration is implemented in a way that ensures safety and minimizes the impact on the traveling public as well as jobs in the hospitality and airline industries. FAA recently announced its plans to achieve savings by implementing furloughs of air traffic controllers.

These cuts have already caused widespread delays to the air transportation system and were expected to get worse. It is estimated that as many as 6,700 flights would be delayed each day, more than double the worst day of flight delays last year. This reduction in staffing of air traffic controllers has been the primary cause of one out of every three delays since the furloughs began.

In fact, on Monday alone, there were 2,660 delays, of which 1,200 were due to the furloughs, and 2,000 delays on Tuesday, of which 1,025 due to the reduced staff. What was even more troubling is that soon we will be approaching the summer peak travel season. Some airports may experience delays of up to three hours during peak travel times.

The FAA acknowledges that these service reductions will adversely affect commercial, corporate, and general aviation operators. The FAA expects that as airlines estimate the potential impacts of these furloughs, they will be forced to change their schedules, cancel flights, and lay off employees.

Our bill, The Reducing Flight Delays Act of 2013, would provide the Secretary of Transportation the flexibility to transfer certain funds to prevent furloughs of essential employees at the FAA. It would give the Secretary the authority to transfer an amount not to exceed \$253 million to prevent essential employees at the FAA, such as air traffic controllers, from being furloughed in order to reduce flight delays while maintaining a safe and efficient national airspace system.

My bill would accomplish this goal by allowing a one-time shift of unused monies in the Airport Improvement Program to Operations. I first raised the idea of using AIP carryover balances as a solution at the policy lunch on Tuesday, and many of my colleagues indicated interest in this approach. Our bill has been vetted by the General Counsel offices at both the FAA and the Secretary's office. Secretary LaHood told me this morning that it is an effective, workable solution.

The transfer would come largely from carryover balances within the Airport Improvement Program (AIP). To be clear: this is the discretionary portion of the program and in no way

affects the entitlement funds airports are guaranteed to receive. The program has sufficient funding to support this effort. Historically, AIP carryover balances range between \$400–450 million and has not been below \$300 million in the last decade. In fact, last year there was approximately \$700 million of these carryover balances.

Over the past several years, the aviation industry has faced tough economic hardships. I recognize that aviation plays a critical role in driving economic growth, jobs and investment across the country. The Airport Improvement Program is a very important program which supports infrastructure at our nation's airports.

This bill should be recognized as a one-time solution in order to avert the serious national impacts that have resulted from the decisions made by the FAA.

I urge my colleagues to support this bill, and I am grateful to both the Majority and Minority Leaders.

I thank them for their cooperation in making this happen. It is nice to know that when we work together, we really can solve problems.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we were able to accomplish two very important things this week. One is the final passage of the Internet tax issue, but that is because it was a bipartisan issue, and we were able to get this done.

Madam President, I ask unanimous consent that the bill be read three times and passed and that the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 853) was ordered to be engrossed for a third reading, was read a third time, and passed, as follows:

S. 853

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Flight Delays Act of 2013".

## SEC. 2. AUTHORIZATION TO TRANSFER CERTAIN FUNDS TO PREVENT REDUCED OPERATIONS AND STAFFING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) IN GENERAL.—Notwithstanding division G of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113–6), any other provision of law, or a sequestration order issued or to be issued by the President pursuant to section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a(7)(A)), the Secretary of Transportation may transfer during fiscal year 2013 an amount equal to the amount specified in subsection (c) to the appropriations account providing for the operations of the Federal Aviation Administration, for any activity or activities funded by that account, from—

(1) the amount made available for obligation in that fiscal year as discretionary grants-in-aid for airports pursuant to section 47117(f) of title 49, United States Code; or

(2) any other program or account of the Federal Aviation Administration.